



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HOGAN & HARTSON LLP  
ONE TABOR CENTER, SUITE 1500  
1200 SEVENTEENTH ST  
DENVER CO 80202

**COPY MAILED**

NOV 20 2006

OFFICE OF PETITIONS

In re Application of  
Andrewes et al.  
Application No. 10/009,278  
Filed: August 2, 2002  
Title of Invention: Apparatus, Instrument and  
Device for Conducting An Assay

:  
:  
:  
:  
:  
:

ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed September 22, 2006.

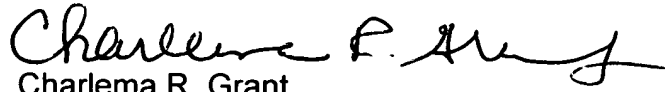
This above-identified application became abandoned for failure to timely file a proper response to a final Office Action which was mailed on September 22, 2005. The final Office Action set a three (3) month shortened statutory period for reply. An amendment and a two (2) month extension of time were submitted on February 22, 2005. In response to the amendment an Advisory Action was mailed on March 23, 2006 indicating the amendment submitted on February 22, 2006 did not place the application in condition for allowance. Accordingly, this application became abandoned on February 23, 2006. This decision precedes the mailing of a Notice of Abandonment.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

**The two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 41.20(b)(2)), will run from the mail date of this petition decision.**

The application will be forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlema R. Grant  
Petitions Attorney  
Office of Petitions